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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,784	07/11/2005	Eric Auffret	PF030025	4131

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EXAMINER

NGUYEN, HAI V

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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02/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,784

Applicant(s)

AUFFRET, ERIC

Examiner

Hai V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>07/11/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the application filed on 11 July 2005.
2. Claims 8-10 are cancelled.
3. Claims 1-7, 11-14 are presented for examination.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 1 recites the limitation "... a characteristic of the predetermined signal..." in claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-7, 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by

Barratt et al. US patent # 7,277,679 B1.

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9. As to claim 1, Barratt discloses measurement system for measuring the reception quality of a predetermined radiofrequency signal (*reception signal quality*) transmitted from a transmission means (*Fig. 2, element 106*) to several receiver means (*Fig. 2, element 107*) comprising:

- several measurer means (*Fig. 2C, measure elements RSSI, BER, FER, SNR, SINR, [0093]*) respectively linked to the receiver means (*Fig. 2C, elements 203-1, ...203-M, [0062]*) each to determine whether a characteristic of the predetermined signal (*a quality of received signal strength*) received by the respective receiver means satisfies a predetermined reception criterion (*performance-based criteria, [0093], [0098]*)
- a counting means (*Figs. 2C, 5, mode selection elements in element 202, [0062]*) to count a number of satisfactory receiver means in which the reception criterion is satisfied , and
- an indicator means (*Fig. 4, button 404 , the selector selects a different mode from the one in effect, [0090]-[0093]*) to establish a reception quality indicator depending on the number of satisfactory receiver means.

10. As to claim 2, Barratt discloses, in which the counting means and the indicator means are included in a central measurement means (SB) (*base station [0093]-[0095]*) linked to the receiver means.

11. As to claim 3, Barratt discloses, in which a display of the measurement means displays the reception quality indicator (*[0092]*).

12. As to claim 4, Barratt discloses, in which the transmission means and the receiver means operate in space diversity or in frequency diversity or in polarization diversity or in time diversity (*Fig. 2C, element 202*).

13. As to claim 5, Barratt discloses a return radio channel over which the reception quality indicator is transmitted via a transmitter means to a reception means linked to the transmission means in order to display thereon the reception quality indicator (*the base station causes the selector 227 in the remote terminal unit to select the spatial processing method and mode based on one or more criteria at the remote device, [0093]*).

14. As to claim 6, Barratt discloses, several cellular receiver means (*Fig. 1, elements 101*) each including several measurer means, a counting means and an indicator means in order to establish and transmit respective reception quality indicators to the central measurement means (*[0098]*).

15. As to claim 7, Barratt discloses, in which the reception quality indicators (*selection modes*) are retransmitted over the return radio channel from the transmitter means (*the base station antennas*) to the receiver means (*terminal antenna, [0098]*).

16. As to claim 11, Barratt discloses several cellular receiver means (*Fig. 1, elements 101*) each including several measurer means, a counting means and an indicator means in order to establish and transmit respective reception quality indicators to the central measurement means (*[0098]*), in which the reception quality indicators (*selection modes*) are retransmitted over the return radio channel from the transmitter means (*the base station antennas*) to the receiver means (*terminal antenna, [0098]*).

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17. As to claim 12, Barratt discloses, in which the reception quality indicators are displayed in the base station ([0092]-[0093]).

18. As to claim 13, Barratt discloses, in which the reception quality indicators are displayed on a map respectively in correspondence with the locations of the cellular receiver means on the map (*the user selects from the displayed spatial processing modes, [0089]*).

19. As to claim 14, Barratt discloses, in which the transmission means is linked to a mobile wireless camera (*mobile handset*).

20. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 571-272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hai V. Nguyen
Examiner
Art Unit 2618



MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER